

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval

For

Other Than Full and Open Competition

1. Contracting Activity:

The Department of Veterans Affairs, VISN 21-NCO 21, VA Central California Health Care System (VACCHCS) intends to enter into a sole source contract to purchase Durable Medical Equipment (DME) and Services from Ray Fisher Pharmacy, Inc. The Purchase Request Number is 570-14-2-145-6849.

2. Nature and/or Description of the Action Being Processed:

This action will be awarded as a new contract. This will be a firm-fixed price, supply/service contract.

3. Description of Supplies/Services Required to Meet the Agency's Needs:

The Contractor shall provide DME and Services to the VACCHCS for the remainder of FY 14 on an as-needed basis.

The DME shall include:

- Hospital Bed (Full Electric)
- Hospital Bed (Semi-Electric)
- Mattress (Firm-80 Inch)
- Trapeze (Over-Bed)
- Trapeze (Free –Standing)
- Commode (Bedside)
- Toilet Seat (Elevated)
- Chair (Shower-Adjustable Back)
- Bench (Tub Transfer)

The Services shall include:

- Pick-up Fee (Normal Delivery Zone)
- Pick-up Fee (Beyond Normal Delivery Zone)
- Delivery Fee (Normal Delivery Zone)
- Delivery Fee (Beyond Normal Delivery Zone)
- Labor (Repair/Service)

The estimated value of this contract is \$232,250.00. This value is based on FY 13 orders and pricing.

4. Statutory Authority Permitting Other than Full and Open Competition:

41 USC §253(c)(2), as implemented by FAR 6.302-2. The executive agency's need for the property or services is of such an unusual and compelling urgency that the Government would be seriously

injured unless the executive agency is permitted to limit the number of sources from which it solicits bids or proposals;

- ☐ (1) Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements per FAR 6.302-1;
- ☒ (2) **Unusual and Compelling Urgency per FAR 6.302-2;**
- ☐ (3) Industrial Mobilization, Engineering, Developmental or Research Capability or Expert Services per FAR 6.302-3;
- ☐ (4) International Agreement per FAR 6.302-4
- ☐ (5) Authorized or Required by Statute FAR 6.302-5;
- ☐ (6) National Security per FAR 6.302-6;
- ☐ (7) Public Interest per FAR 6.302-7;

5. Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):

Ray Fisher Pharmacy, Inc. was the previous awarded contractor for this requirement during the performance period of 07/01/2008 to 12/31/2013 (VA261-P-0449).

Ray Fisher Pharmacy, Inc. has been successfully providing delivery, set-up and instruction for the designated DME ordered by the program office for Veterans at their residence. They are the only DME who is capable of immediately continuing to supply DME equipment and services. These supplies and services are needed at once in order to provide continued care to the Veterans.

Due to an oversight by the responsible contract specialist, a new procurement was not initiated and awarded prior to the expiration date of the contract. A contract needed to be in place by 1/1/2014.

6. Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:

Due to the urgent and compelling need to provide care to the Veterans, Ray Fisher Pharmacy, Inc. will be awarded a contract to provide the DME and Services listed above in Section 3 for the remainder of FY 14. However, the price negotiated memorandum for the previous contract (VA261-P-0049) showed that two (2) sources have the capabilities to provide supplies and services for this requirement. Since the requirement includes orders that have already been placed, Ray Fisher Pharmacy, Inc. is the only practical source for this action.

7. Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:

The anticipated cost for this requirement is considered fair and reasonable based on prior year pricing. Additionally, cost and price analysis will include comparisons of delivery and pick-up fees from other VA facilities for this same requirement. Also, pricing for the DME items will be compared against three (3) equivalent products and their respective commercial published rate.

8. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:

Due to the urgent and compelling need to provide care to the Veterans immediately and the knowledge that Ray Fisher was the only option for an award, Market Research was not conducted.

9. Any Other Facts Supporting the Use of Other than Full and Open Competition:

A Statement of Work has been developed for this requirement and it is suitable for full and open competition. It will be used to solicit a competitive contract with four (4) option years beginning in FY 15.

10. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:

See Section 6 above.

11. A Statement of the Actions, if any, the Agency May Take to Remove or Overcome any Barriers to Competition before Making subsequent acquisitions for the supplies or services required:

The program office needs to submit their request with supporting documentation to NCO 21 for this requirement consistent with Procurement Action Lead Time (PALT) cut-off dates. Additionally, the contracting official responsible for administering the current requirement needs to be proactive and notify the program office of the expiring contract and request an acquisition package for a new contract so there is no interruption of services.

A follow-on competitive acquisition is planned. An acquisition package for this requirement needs to be submitted by the program office to NCO 21 consistent with PALT cut-off dates. Once the complete acquisition package has been submitted, NCO 21 will solicit a competitive contract with four (4) option years for the performance period of FY 15 to FY 19.

- 12. Requirements Certification:** I certify that the requirement outlined in this justification is a Bona Fide Need of the Department of Veterans Affairs and that the supporting data under my cognizance, which are included in the justification, are accurate and complete to the best of my knowledge and belief.



02032014

Katherine D Crowe
Chief, Prosthetic and Sensory Aids Services
VACCHCS


Date

13. Approvals in accordance with FAR 6.304

- a. **Contracting Officer's Certification (required):** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.




Patricia Benson
Contracting Officer/Supply Team Manager




Date

NCO 21

- b. **NCM/PCM (Required \$3K and above):** I certify the justification meets requirements for other than full and open competition.



Patricia Benson
Network Contract Manager Designee
VISN 21/NCO 21



Date